



# **Austin City Council MINUTES For**

**SEPTEMBER 22, 1983 -- 1:00 P.M.**

Council Chambers, 307 West Second Street, Austin, Texas

## **City Council**

**Ron Mullen  
Mayor**

**John Treviño, Jr.  
Mayor Pro Tem**

**Council Members  
Mark Rose  
Roger Duncan  
Sally Shipman  
Mark E. Spaeth  
Charles E. Urdy**

**Nicholas M. Meiszer  
City Manager**

**Elden Aldridge  
Acting City Clerk**

## **Memorandum To:**

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 p.m., noting the presence of all Councilmembers.

### **MINUTES APPROVED**

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved minutes for special meetings of September 13 & 14, 1983. (7-0 Vote)

### **APARTMENTS DISCUSSED**

Mr. Edwin M. Allison, Mr. James Spurkosky, Ms. Toni Spurkosky and Mr. Joe T. Lopez Jr. appeared before Council to discuss the apartments located on William Cannon between Cooper and South 1st Street. They said they had met with the builder prior to the construction of the departments and had been told there would be no three story buildings. There are, and they look right down into the neighborhood yards. They asked Council to make the builder live up to his agreement with the neighborhood. Mr. Lopez said the drainage from the apartments is too much for his back yard and it floods.

Jack Dinnerstein, the builder, showed the site plan with one, two and three story buildings. He said he had an engineer who worked on the drainage and did off site drainage work.

Lonnie Davis, Director of Building Inspection, reviewed the Special Permit and said they are in compliance. The setback was discussed. Mr. Davis said it will be 25' back with a 6' high solid board fence. Mayor Mullen said there is an apparent misunderstanding but it appears the Special Permit is in order and there is nothing which can be done.

## STRATFORD DRIVE

Mr. Richard G. Hardin, vice president, Stratford Drive Neighborhood Association, appeared before Council to present a petition requesting less intensive development along Stratford Drive. Mr. Newton K. Hoverstock, president, Stratford Drive Neighborhood Association, was also in the Council Chamber to present the petition. They are requesting a roll back to "AA".

## CITIZEN DID NOT APPEAR

Mr. Christopher Baker, president, Lone Star Frisbee Association, who had requested permission to have beer, food & soft drinks immediately adjacent to Waterloo Park on Trinity Street for 6th Annual Waterloo Disc Golf Classic on Saturday and Sunday, September 24 & 25, 1983, did not appear. His request had already been taken care of.

## 23RD STREET DISCUSSED

Mr. Bob Russell appeared before Council as president of Save University Neighborhood, to discuss the closing of 23rd Street. He said the church is concerned with the closing of the street because it will create an addition of two blocks for churchgoers to drive.

Walter Falk discussed the closing of the street and said he would like it closed so that there can be a park.

## CONSENT ORDINANCES

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

CIP Budget Amendment

Amended the 1982-83 CIP by appropriating \$17,700,000 of the approved FY 85/86 funding for Walnut Creek Wastewater Treatment Plant Expansion and \$22,000,000 of the approved FY 83/84 Funding for the Ullrich Water Treatment Plant, Phase II Expansion.

Item Pulled

Since the 1983-84 Operating Budget Ordinance passed through all three readings on September 21, 1983, the ordinance considering the second and third readings on the 1983-84 budget, all fees, CIP budget and the setting of the tax rate as well as votes on changes to homestead exemptions, was pulled off the agenda. The items to adopt the tax roll and vote on changes to historic exemptions also were acted upon on 9/21/83 and were pulled from the agenda.

Operating Budget

Amended the 1983-84 Operating Budget by:

- a. Accepting and appropriating a grant award of \$232,282.00 from the Governor's Office of the State of Texas, Criminal Justice Division, for the continued operation of the Greater Austin Area Organized Crime Control Unit.
- b. Accepted a \$94,755 grant from the Texas Department of Health for an Infant High Risk Follow-Up Demonstration Project. Contract period July 1, 1983 - June 30, 1984.

Review Period Waived

Approved waiving balance of 90-day review period required under Ordinance No. 811204-B for buildings exceeding 60 feet at 9th and San Jacinto.

Fuel Conservation

Approved suspending program charge of Southern Union Gas Company's proposed Residential Conservation Service Rate and consolidating the Conservation Service Rate hearing with the hearing on Southern Union's Rate Increase Request.

Amendment of Zoning Ordinance

Approved amending the following Zoning Ordinance to correct errors relating to the Legal Description: PASSED ON EMERGENCY BASIS

Ordinance No. 830707-I - Case No. C14-83-072

Zoning Ordinances

Approved amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

JOHN N. BIGGER  
By John Meinrath  
C14-83-107

10501, 10503, 10509,  
10511 & 10513 Brownie  
Drive and 601 & 605  
Applegate Drive

From Interim "AA"  
1st HEA to "A"  
1st HEA

AUSTIN SCOTTISH  
RITE COMPANY, INC.  
By R. Alan Haywood  
C14-83-049

201 W. 18th Street  
200 & 204 W. 17th St.,  
1700-1710 Colorado St.

From "B" 3rd HEA  
to "C" 3rd HEA

DORIS PRATHER  
By Raymond Mick, Jr.  
C14-83-143

2301 Lake Austin Blvd.

From "A" 1st HEA  
to "O-1" 1st HEA

EMERGENCY PASSAGE OF ORDINANCE APPROVED

## CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (7-0 Vote)

Release of Easements

Authorized release of easements as follows:

- a. The Public Utility Easements on Lots 1, 2 and 7, Cameron Acres. (Requested by Walter Carrington Homes)
- b. A portion of a the Drainage Easement on Lot 1, M-P Addition, Walsh Tarlton Lane at Tameron Boulevard. (Requested by Cunningham/Graves, Inc.)
- c. A 7.5' Public Utility Easement on Lot 9, Block D, Wells Branch Phase A, Section 3, 2205 Quiet Wood Drive. (Requested by Doyle Wilson Homes)
- d. A 7.5' Public Utility Easement on Lot 15, Block D, Wells Branch Phase A, Section 3, 14803 Yellowleaf Drive. (Requested by Doyle Wilson Homes)
- e. 7.5' Public Utility Easement across the rear of Lot 12, Block F, Onion Creek Section III, 10305 Pinehurst Drive. (Requested by Camelot Properties, Inc.)
- f. Portions of a Sanitary Sewer Easement recorded in Volume 1818, Page 524 of the Travis County Deed Records and located on Lot 11, Fortview Addition. (Requested by Billy F. Priest Surveyors.)

Capital Improvements Program

Approved acquisition of a drainage easement for the Boggy Creek Drainage Improvements Project. CAPITAL IMPROVEMENTS PROGRAM No. 79/60-09.

Approved acquisition of a Drainage Easement and a Fill Easement for the Delwood Area Drainage Improvements, Phase II. CAPITAL IMPROVEMENTS PROGRAM No. 81/60-03.

Approved the following Change Order:

- a. In the amount of \$10,220.00 to Clearwater Construction for White Rock Drive at Shoal Creek Improvements. (2.23% increase of the original contract.) CAPITAL IMPROVEMENTS PROGRAM

Contracts Approved

Approved the following contracts:

- |   |  |
|---|--|
| a. J & E DIRT WORK, INC.<br>12406 Old San Antonio Road<br>Manchaca, Texas                       | - CAPITAL IMPROVEMENT PROGRAM<br>Sidewalk and Sidewalk Ramp<br>Improvements on Anthony Street<br>(from Willow Street to Holly<br>Street), Canterbury Street (from<br>Waller Street to Canadian Street),<br>and Spence Street (from I.H. 35 to<br>Waller Street) including water<br>meter relocation, Public Works<br>Department - \$57,814.00 C.I.P.<br>Nos. 82/61-03 and 83/22-04 |
| b. DATA DOCUMENTS<br>8920 Business Park Drive, #100-21<br>Austin, Texas                         | - Magnetic Tape, Information<br>Systems and Police Department<br>Item 1 - \$26,144.30  |
| c. S & L SEAGRAVES SALES, INC.<br>5214 Burleson Road #401<br>Austin, Texas                      | - Air Mask and Cylinders for Walnut<br>Treatment Plant, Water and<br>Wastewater Department<br>Items 1 & 2 - \$8,091.57   |
| d. TECHLINE, INC<br>8750 Shoal Creek Boulevard<br>Austin, Texas                                 | - Guy Wire, Central Stores<br>Division<br>Item 1 - \$5,575.00  |
| e. TANGENT DEVELOPMENT COMPANY<br>1715 Harlequin Run<br>Austin, Texas                           | - Repair of Lake Patrol Boats,<br>Vehicle and Equipment Services<br>Department<br>Item 1 - \$18,000  |
| f. LENDELL BUILDERS<br>P. O. Box 3534<br>Austin, Texas  | - Electric Department Training<br>Room Building, Public Works -<br>\$38,622.00   |
| g. WESTINGHOUSE ELECTRIC<br>CORPORATION/REPAIR DIVISION<br>5730 Clinton Drive<br>Houston, Texas | - Repair of the Hamilton<br>Substation Transformer,<br>Electric Utility Department<br>\$95,024.30  |
| h. WESTINGHOUSE ELECTRIC CORP.<br>201 N. St. Mary's Street<br>San Antonio, Texas                | - Voltage Regulator, Electric<br>Utility Department<br>Item 1 - \$125,000  |
| i. THE OFFICE COMPANY<br>312 Congress Avenue<br>Austin, Texas                                   | - Modular Furniture, Public Works<br>Department<br>Items 1-22 - \$11,254.54  |

CONTRACTS APPROVED - (Continued)

j. Bid award:

- Relocation of Utility Lines,  
Robertson Hill Project, Human  
Services Department  
Total \$48,735.00
- (1) SOUTHWESTERN BELL - \$41,831.00  
611 South Congress  
Austin, Texas
- (2) AUSTIN CABLE VISION - \$6,904.00  
2129 Woodward  
Austin, Texas

Standard Rehabilitation Loans

Approved CDBG funds for Standard Rehabilitation Loans in the following amounts:

- a. Imperial Construction - \$19,400

Weatherization Program

Approved renewal of a contract with Travis County for the continuation of the joint City of Austin-Travis County Home Weatherization Program, with contribution of \$65,424.00 being funded through the Energy Management Loan Fund.

Audit of Grant Programs

Approved resolution requesting the Texas State Office of the Governor for a single state audit of the City of Austin's grant programs, to be coordinated by a single state agency; and authorize City Manager or his designee to act on behalf of the City in working with the Governor's Office to select and designate the state agency to coordinate this single audit.

Austin History Center

Authorized submission of an application to the Texas Commission on the Arts and accept a grant in the amount of \$4,406.00 to display a photographic exhibit in the Austin History Center.

Medical Assistance Program  
Pharmacy Contract Modifications

Approved the following Medical Assistance Program Pharmacy Contract modifications:

## Medical -(Continued)

- a. Extend the current contract for ninety (90) days with an increased administrative fee from \$.55 to \$.65.
- b. Contingent upon Texas Pharmaceutical Education and Research Foundation, Inc. meeting these contractual conditions, the renewal of the contract effective January 1, 1984 for the balance of the 83-84 fiscal year at an increased administrative cost from \$.55 - \$.65 per prescription.

Item Pulled

Council approved pulling until 9/29/83, consideration of a resolution amending contractual agreements with participating local lenders to reflect modification of the Capital Improvement Business Loan Program and to contract with lenders who may wish to participate in the program in the future.

Right-of-Entry Agreement

Approved entering into a right-of-entry agreement with Bruce Rick and wife, Cynthia Rick, to allow certain improvements to be constructed within City's alley between East 4th and East 5th.

Public Hearings Set

Set public hearings on the following:

- a. An Industrial Development Bond-financed Commercial Project proposed by 801 Properties (Picadilly Building) 801 Congress Avenue: October 13, 1983 at 2:05 p.m.
- b. An Industrial Development Bond financed project proposed by 801 Properties (Picadilly Building) 801 Congress Avenue: October 13, 1983 - 2:10 P.M.
- c. Designation of an "Eligible Blighted Area" for 801 Properties, (Picadilly Building) 801 Congress Avenue, pursuant to Article 5190.6, V.T.C.S., The Development Corporation Act of 1979: October 13, 1983 - 2:00 P.M.
- d. Designation of an "Eligible Blighted Area" for H.I. One Austin Partnership, Highland Mall Boulevard, between Airport Boulevard and Middle Fiskville Road pursuant to Article 5190.6, V.T.C.S., the Development Corporation Act of 1979: October 13, 1983 - 2:15 p.m.
- e. Reset hearing on creation of Rapid Transit Authority: October 13, 1983 - 5:00 p.m.
- f. Zoning Case No. C14-83-016, Steve R. Scott by John M. Joseph, 501-515 Bouldin Avenue: October 13, 1983 at 5:15 p.m.

## HEARINGS SET - (Continued)

- g. Set a public hearing on amending the water and wastewater service area to include the Davis Springs Tract: September 29, 1983 at 3:30 P.M.

## MORATORIUM EXEMPTION REQUESTED

Mr. Neal Graham appeared before Council to request exemption from moratorium ordinance on Water and Wastewater taps. He said he represents Raye Carrington, Ltd. and the taps were purchased in the late 70's and subsequently refunded.

Mr. Schwing, Director of Water and Wastewater, said he would like to look into this and report back to Council at a later date.

## PUBLIC HEARING - STREET VACATION

Mayor Mullen opened the public hearing set for 2:00 p.m. on vacation of a portion of Sayers Street, 1100 Block as requested by Carter Investments, and passage of Ordinance.

Richard Ridings, Director of Public Works, reported that everything is in order.

David Armbrust, representing the applicant, said the set back will be done from 5th Street.

Daniel Tranersa, Castle Hill, asked Council to honor the commitment made by the previous Council. He said they have serious parking problems in the area.

Anita Atkison, representing three property owners, said they have a warehouse at the end of Sayers with that as the only access. 18-wheel trailers go in and out all of the time and if they take 30' it will cut off their warehouse access entirely.

Olin Haeger said the closing of Sayers Street would ruin his property.

Mr. Ridings stated that access will be provided off of 5th Street. There will be a 30' street with a 10% grade and engineers say it will be safe for trucks and truck traffic.

Motion

The Council, on Councilmember Duncan's motion, Councilmember Rose's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance vacating a portion of Sayers Street, 1100 Block. (7-0 Vote)



ZONING ORDINANCE  
SENT BACK

Council had before it an ordinance amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

DIVERSIFIED INVESTMENT  
COMPANY  
By David H. Ham  
C14-81-097

611 Blanco Street

From Interim "AA" 1st  
H&A to "B" 1st H&A

Motion

Councilmember Shipman made a motion, seconded by Councilmember Rose to deny the zoning.

Substitute Motion

Councilmember Shipman made a motion, seconded by Mayor Mullen to send the case back to the Planning Commission.

Councilmember Shipman said the site plan is tied to the zoning change and the applicant is showing the Council a different site plan today than they did during the zoning hearing.

Roll Call

7-0 Vote

PUBLIC HEARING - SEPTIC TANK SYSTEMS

Mayor Mullen opened the public hearing set for 3:00 p.m. on proposed City Code amendments regarding Septic Tank Systems.

No one appeared to be heard.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending the City Code regarding Septic Tank Systems. (5-0 Vote, Councilmembers Shipman and Spaeth were out of the room.)

OAK HILL AREA WATER IMPROVEMENTS

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, adopted a resolution approving an agreement with CGC Development to install water improvements in the Convict Hill/Oak Hill area.

## EXECUTIVE SESSION

Mayor Mullen announced Council would go into executive session pursuant to Article 6251-17 to discuss the following matters board and commission appointments Section 2, Paragraph g, and after such closed or executive session any decision to be made will be done in open meeting.

## RECESS

Council recessed its meeting at 3:30 p.m. and resumed its recessed meeting at 4:20 p.m.

## BOARD &amp; COMMISSION APPOINTMENTS

The Council, on Councilmember Duncan's motion, Mayor Mullen's second, made the following board and commission appointments:

Austin Tomorrow On-Going Committee: Victoria Bullard, Helen Fell  
Macbeth, Samuel Byars

Water & Wastewater Commission: Dr. Kent S. Butler, Ms. Thressa Lockridge

Commission on the Status of Women: Ms. Ellen Fisher, Ms. Catherine Kay  
Morris, Ms. Martha Cerna, Ms. Billie Passmore,  
Kathleen Doria

Environmental Board: Phyllis Brinkley, Michael H. Edgar, Gloria Leal,  
Philip G. Savoy, Kathryn L. Kennedy and  
Gwendolyn Nelson

## HARLEM CAB FRANCHISE

Councilmembers Urdy and Duncan introduced an item to Council to consider action relating to Harlem Cab Franchise. Councilmember Urdy said due to the sale of Harlem Cab to Yellow Cab there is a question of transfer of franchise and that has not been resolved. He requested Dr. Benson, Director of Urban Transportation, to answer questions concerning the cab companies on September 29, 1983. He wants to know if the franchise ordinance is being violated, among other questions.

## ANNEXATION HEARING

Mayor Mullen opened the public hearing set for 4:00 p.m. on annexation of Area 17, (approximately 727 acres south of Ben White Boulevard east of Interstate Highway 35). File No. C7a-80-111.

Ms. Donna Kristaponis announced this is the first of two public hearings. City services are available and the fiscal note is positive. She said this is part of the annexation plan recommended by the Planning Commission.

## ANNEXATION HEARING - (Continued)

Ed Barclay said he operates an agricultural business and if annexation occurs it will hurt his business. He asked that his land be excluded from annexation.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Duncan's second, closed the public hearing. (7-0 Vote)

## ZONING HEARINGS

Mayor Mullen announced that the following zoning cases scheduled for hearing by Council at 4:00 p.m. would be opened. Council heard, closed the public hearings granted, and instructed the Acting City Attorney to bring back the necessary ordinances.

C14r-83 ROBERT J.  
158 HUSTON  
By Desiree H.  
Pedreschi

916 Capital of  
Texas Highway

From Interim "AA" 1st H&A  
To "0" 1st H&A  
NOT RECOMMENDED  
RECOMMENDED "0-1" 1st H&A  
5' of "AA" along Lost  
Creek Boulevard. Save and  
except "0-1" 1st H&A  
for existing driveway  
and 25' to the west.

CLOSED PUBLIC HEARING AND GRANTED AS  
RECOMMENDED

(On Mayor Pro Tem Trevino's motion, Councilmember Spaeth's second, 7-0 Vote)

C14r-83 ROBERT J.  
159 HUSTON  
By Desiree H.  
Pedreschi

916 Capital of  
Texas Highway

From Interim "AA" 1st H&A  
To "0" 2nd H&A  
RECOMMENDED "0" 2nd  
Applicant is to work with  
Urban Transportation on  
limiting access to Lost  
Creek.

CLOSED PUBLIC HEARING AND GRANTED AS RECOMMENDED

(On Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, 7-0 Vote)

## CONVENTION DELEGATES

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, adopted a resolution selecting Mayor Mullen as City Council delegate and Councilmember Duncan as alternate delegate to attend the National League of Cities Annual Congress of Cities, November 26-30, 1983. (7-0 Vote)

## ADJOURNMENT

Council adjourned its meeting at 5:05 p.m.